

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv79**

AMY R. YATES,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
HVM, LLC, a Delaware limited liability)	
company, d/b/a HV Management LLC,)	
and as Extended Stay America,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the court on plaintiff's Motion to Compel (#15) and plaintiff's Second Motion to Compel (#23). At the September 18, 2008, hearing, counsel reported that all issues, save three, had been resolved and such resolution was placed on the record. After hearing arguments, the court entered upon the record the following Order resolving those remaining issues.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion to Compel (#15) and plaintiff's Second Motion to Compel (#23) are **GRANTED** in part and **DENIED** in part as follows:

- (1) Defendants shall provide to plaintiff contact information that may be in defendants' possession as to former managers and employees, from January 1, 2004, to the present, and plaintiff is allowed to inquire of such employees concerning:
 - (A) defendants response or discipline they may have received as to:
 - (1) use of profanity in the workplace; (2) inappropriate conduct with guests; (3) rescission of resignations; and (4) employee alcohol problems; and
 - (B) any experience they may have had as to medical leaves of absence being denied.
- (2) Defendants shall obtain from their vendor Matrix and provide to plaintiff all documents concerning FMLA or medical leave that was either allowed or denied during the relevant period defined above. No medical documents shall be required in such production.

Such production shall be made within 10 days. Inasmuch as resolution of these motions required a good faith resolution of the scope of discovery, no costs or fees will be allowed.

Signed: September 22, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

